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5 *Attorney for Defendant Telusma*

6  
7 **UNITED STATES DISTRICT COURT**

8 **DISTRICT OF NEVADA**

9 UNITED STATES OF AMERICA,

CASE NO. 2:17-cr-00306-JCM-PAL-16

10 Plaintiff,

11 vs.

12 JOHN TELUSMA,

13 Defendant.

14  
15 **STIPULATION AND ORDER TO CONTINUE SENTENCING (FIRST REQUEST)**

16 **IT IS HEREBY STIPULATED** by and between Defendant, John Telusma, by and  
17 through his counsel, Crane M. Pomerantz, Esq., of the law firm of Clark Hill PLLC and the Plaintiff,  
18 United States of America, by and through David L. Jaffe, Chief for the United States Department of  
19 Justice, Organized Crime and Gang Section, Kelly Pearson, Deputy Chief, Organized Crime and  
20 Gang Section, and Chad W. McHenry and Alexander Gottfried, Trial Attorneys, Organized Crime  
21 and Gang Section, that the sentencing hearing currently scheduled for March 23, 2022, at 10:00 a.m.  
22 be vacated and set to a date and time convenient to the Court but not earlier than sixty (60) days.

23 This Stipulation is entered into for the following reasons:

24 1. Undersigned counsel was appointed by this Court as counsel for Mr. Telusma on  
25 March 12, 2018.

26 2. Sentencing in this matter is currently scheduled for March 23, 2022 at 10:00 a.m.  
27 Therefore, Mr. Telusma's sentencing memorandum currently is due on March 16, 2022.

28 ...

1           3.       Undersigned counsel has retained a sentencing mitigation expert to assist with  
2 complex issues relating to the Defendant's sentencing, including mental health issues. The expert  
3 has reviewed the file and met with the Defendant, in person, on two occasions. She requires  
4 additional time to complete her review and analysis, and provide input to undersigned counsel.

5           4.       Undersigned counsel requires additional time to thoroughly prepare for sentencing  
6 on Mr. Telusma's behalf, including the preparation of a sentencing memorandum. The work of the  
7 expert will not be completed by the time undersigned counsel is required to submit his sentencing  
8 memorandum.

9           5.       Mr. Telusma is not in custody and agrees to this short continuance. Mr. Telusma  
10 resides in New York; avoiding travel for his sentencing hearing will lessen his potential exposure to  
11 the COVID virus.

12          6.       The additional time requested herein is not sought for purposes of delay and the  
13 denial of this request for a continuance could result in a miscarriage of justice.

14          7.       Federal Rule of Criminal Procedure 32(b)(2) permits this Court to continue a  
15 sentencing hearing for good cause. Good cause exists in this case.

16          8.       For all the above-stated reasons, the ends of justice would be best served by a short  
17 continuance of the sentencing hearing.

18          9.       This is the second request for a continuance of the sentencing hearing.

19 UNITED STATES ATTORNEY  
20 DISTRICT OF NEVADA

CLARK HILL PLLC

21 DATED this 9<sup>th</sup> day of March, 2022.

DATED this 9<sup>th</sup> day of March, 2022.

22 /s/Chad McHenry  
23 CHAD McHENRY  
24 Trial Counsel for the Plaintiff  
UNITED STATES OF AMERICA

22 /s/Crane Pomerantz  
23 CRANE M. POMERANTZ  
24 Attorney for Defendant Telusma

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8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 vs.

13 JOHN TELUSMA,

14 Defendant.  
15

CASE NO. 2:17-cr-00306-JCM-PAL-16

16 **FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER**

17 Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court  
18 hereby finds that:

19 1. Undersigned counsel was appointed by this Court as counsel for Mr. Telusma on  
20 March 12, 2018.

21 2. Sentencing in this matter is currently scheduled for March 23, 2022 at 10:00 a.m.  
22 Therefore, Mr. Telusma's sentencing memorandum is currently due on March 16, 2022.

23 3. Undersigned counsel has retained a sentencing mitigation expert to assist with  
24 complex issues relating to the Defendant's sentencing, including mental health issues. The expert  
25 has reviewed the file and met with the Defendant, in person, on two occasions. She requires  
26 additional time to complete her review and analysis, and provide input to undersigned counsel.

27 4. Undersigned counsel requires additional time to thoroughly prepare for sentencing  
28 on Mr. Telusma's behalf, including the preparation of a sentencing memorandum. The work of the

1 expert will not be completed by the time undersigned counsel is required to submit his sentencing  
2 memorandum.

3 5. Mr. Telusma is not in custody and agrees to this short continuance. Mr. Telusma  
4 resides in New York; avoiding travel for his sentencing hearing will lessen his potential exposure to  
5 the COVID virus.

6 6. The additional time requested herein is not sought for purposes of delay and the  
7 denial of this request for a continuance could result in a miscarriage of justice.

8 7. Federal Rule of Criminal Procedure 32(b)(2) permits this Court to continue a  
9 sentencing hearing for good cause. Good cause exists in this case.


10 8. For all the above-stated reasons, the ends of justice would be best served by a short  
11 continuance of the sentencing hearing.

12 9. This is the second request for a continuance of the sentencing hearing.

13 **ORDER**

14 **IT IS HEREBY ORDERED** that the sentencing hearing in this matter scheduled for  
15 March 23, 2022, at the hour of 10:00 a.m. is hereby vacated and continued to the **25th**  
16 **day of May 2022**, at the hour of **11:00 a.m.**, in Courtroom 6A.

17 **DATED** March 9, 2022.

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20 JAMES C. MAHAN  
21 UNITED STATES DISTRICT COURT JUDGE  
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